

REMARKS

Claims 1-3, 6 and 8 are pending in this application. Claim 1 is amended herein. Upon entry of this amendment, claims 1-3, 6 and 8 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment.

Claims 1-3, 6 and 8 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. (Office action paragraph no. 5)

The Examiner cites the wording "an aluminum thin film without any crevices," stating that the specification, in particular page 22, lines 15-18, does not provide support for this limitation.

This portion of the rejection is overcome by the amendment to claim 1, which deletes the phrase "without any crevices."

The Examiner also cites the disclosure of the specification at page 22, lines 15-22, stating that the "Al vacuum-deposited semitransparent PET film" used in the examples is "stuck to a 3 mm thick transparent float glass sheet to make optical measurement." The Examiner states that the specification therefore "only provides support for a composite laminate that includes a glass plate recited by Claim 1, and not the heat ray reflection substrate that comprises a PET film having a surface which is vacuum-deposited with an aluminum thin film."

This portion of the rejection is respectfully traversed and reconsideration is requested. Claim 1 has not been amended in response to this portion of the rejection.

Regarding the present wording of claim 1

In response to this rejection, Applicant first of all explains the laminate of the present invention. As recited in claim 1, the laminate of the present invention is "consisting of a heat ray reflection substrate" and "a visible light absorbing film."

As described in the specification from page 16, line 22, to page 17, line 8:

"As the substrate, any desired material may be used as long as it has solar radiation reflecting properties and has a visible light reflectance of 10% or more, and may be exemplified by films, glass sheets, transparent resin sheets and so forth having such reflection characteristics alone, films, glass sheets, transparent resin sheets and so forth on which metallic thin films of Al, Ag, Cu, or the like have been formed, and composite members obtained by laminating the films, glass sheets, transparent resin sheets and so forth on which metallic thin films have been formed, to different films, glass sheets, transparent resin sheets and so forth."

That is, the specification describes the following three kinds of "a heat ray reflection substrate" in the present invention:

- (1) single body such as films, glass sheets, transparent resin sheets, and so forth,
- (2) films, glass sheets, transparent resin sheets, and so forth, on which metallic thin films such as Al have been formed, and
- (3) composite members obtained by laminating the films and so forth on which metallic thin films have been formed to different films, glass sheets, transparent resin sheets, and so forth.

By the amendment made on March 23, 2010, the heat ray reflection substrate is limited to comprise: "a semitransparent polyethylene terephthalate film having a surface which is uniformly vacuum-deposited with an aluminum thin film" (i.e., (2)) or "a composite comprising the semitransparent polyethylene terephthalate film having a surface which is uniformly vacuum-deposited with an aluminum thin film, and a glass plate" (i.e., (3)). Support for this amendment was

provided by the specific example of "Al vacuum-deposited semitransparent PET film (EMX-10, available from MIRAREED Corporation; PET film thickness: 25 μm)" used in each Example.

Regarding the present rejection under 35 U.S.C. 112, first paragraph

The Examiner notes Applicant's assertion that the limitations with regard to the "heat ray reflection substrate" are disclosed at page 22, lines 15 to 18, of the present application description, but states that this portion of the specification does not provide support for the limitation.

However, Applicant submits that the limitation of claim 1 are also supported by the disclosure at page 16, line 22, to page 17, line 8, as discussed above, as well as specific Examples in the specification.

In this regard, Applicant refers to pages 5 to 6 in the REMARKS in the Reply to the Office Action dated March 23, 2010, in which the applicant explained, with reference to the description at page 22, lines 13 to 22, of the specification, that the Examiner's finding in paragraph No. 6 of the Office Action dated November 25, 2009, was incorrect.

In particular, the Examiner had stated that "visible light reflectance 53.4% or less" and "solar radiation reflectance 55.3% or less" added to claim 1 by the amendment of July 2, 2009, were based on the data of a Comparative Example and thereby the amendment did not comply with 35 U.S.C. 112, first paragraph. However, the Applicant explained that the foregoing Examiner's finding was incorrect with reference to the description at page 22, lines 13 to 22, of the specification.

Accordingly, the description at page 22, lines 15 to 18, of the present specification does not show a basis for the limitations with regard to the "heat ray reflection substrate."

Furthermore, the limitations added to claim 1 by the amendment of March 23, 2010, are based on the description from page 16, line 22, to page 17, line 8, in the specification, as mentioned above, and the specific examples of "Al vacuum-deposited semitransparent PET film (EMI-10, available from MIRAREED Corporation; PET film thickness: 25 μm)" mentioned in the Examples; and thus the limitations of the claims **are supported** in accordance with 35 U.S.C. 112, first paragraph.

Regarding the "3 mm thick transparent float glass sheet" referred to by the Examiner

Regarding the "3 mm thick transparent float glass sheet," it is written in the application description from page 22, lines 13 to 22, that:

"Here, optical measurement in each Example and Comparative Example given below is made according to JIS S 3107 (light source: D65). As the substrate, an Al vacuum-deposited semitransparent PET film (EMI-10, available from MIRAREED Corporation; PET film thickness: 25 μm) was used, where the visible light absorbing ink was coated on one side or both sides of the PET film and also this was stuck to a 3 mm thick transparent float glass sheet to make optical measurement."

Namely, in the application description from page 22, line 13 to line 22, it is described that:

(1) an Al vacuum-deposited semitransparent PET film is used as "a heat ray reflecting substrate," and "a visible light absorbing film" is formed by coating the visible light absorbing ink on one or both sides of the PET film, whereby the "lamine" of Examples composed of the foregoing "heat ray reflection substrate" and "visible light absorbing film" is produced,

(2) the optical measurement of the produced "lamine" of the Examples is done based on JIS S 3107 (light source: D65), and

(3) the optical measurement of the foregoing "laminate" based on JIS S 3107 (light source: D65) is done by sticking the foregoing "laminate" to "a 3 mm thick transparent float glass sheet."

That is, the "3 mm thick transparent float glass sheet" is a necessary member for the optical measurement of the "laminate" of each Example and the "heat ray reflection substrate" of Comparative Example based on JIS S 3107 (light source; D65), and does not indicate the composition member of the "heat ray reflection substrate" in the composite.

If the Examiner desires evidence showing that the foregoing "3 mm thick transparent float glass sheet" is a necessary member for the optical measurement based on JIS S 3107 (light source: D65), the Applicant will be willing to provide a document demonstrating this.

Reconsideration of the rejection is therefore respectfully requested.

Claims 1-3, 6 and 8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action paragraph no. 7)

The Examiner states that the meaning of the phrase "without any crevices"--in particular, the meaning of the term "crevice"--is unclear.

The rejection is overcome by the amendment to claim 1, which deletes the phrase "without any crevices." Reconsideration of the rejection is therefore respectfully requested.


Claims 1-3, 6 and 8 would be allowable if rewritten or amended (if possible) to overcome the rejections under 35 U.S.C. §112, first and second paragraph, set forth *supra*.
(Office action paragraph no. 9)

Applicant submits that the rejections under 35 U.S.C. §112, first and second paragraph, have been overcome. Allowance of claims 1-3, 6 and 8 is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,
KRATZ, QUINTOS & HANSON, LLP


Daniel A. Geselowitz, Ph.D.

Agent for Applicants

Reg. No. 42,573

DAG/xl

Atty. Docket No. 050034
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



23850

PATENT & TRADEMARK OFFICE

Enclosure: Petition for Extension of Time